

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

GABRIEL MIRANDA, SR. and
MARIA FUENTES, Individually
and as Representatives of the Estate
of GABRIEL MIRANDA, JR.,

Plaintiffs,

V.

NAVISTAR, INC., NAVISTAR
INTERNATIONAL
CORPORATION, IC BUS, LLC,
and IC BUS OF OKLAHOMA,
LLC,

Defendants.

Civil Action No. 7:18-cv-00353

ORDER ON PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT ON 11 OF DEFENDANTS' AFFIRMATIVE DEFENSES

On this day, upon review of Plaintiffs' Motion for Summary Judgment on 11 of Defendants' Affirmative Defenses, the Court concludes the Motion should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that
Plaintiffs' Motion for Summary Judgment on 11 of Defendants' Affirmative
Defenses is GRANTED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the following defenses are stricken:

1. Subject matter jurisdiction,
2. Personal jurisdiction,
3. Improper venue,
4. Failure to state a claim upon which relief may be granted,
5. Statute of limitations,
6. Responsible Third Parties,
7. New and independent cause and/or intervening and superseding cause,
8. Failure to mitigate damages,
9. Estoppel and/or waiver,
10. Proportionate responsibility/comparative fault, contribution, indemnity, credit, and
11. Assumption of the Risk: Suicide.

ENTERED this ____ day of _____, 20__, at McAllen, Texas.

HON. RANDY CRANE
UNITED STATES DISTRICT JUDGE